

Analysing the Impact on Equalities

Title: Assignment for Transition Guidance

What are the intended outcomes of this work? *Include outline of objectives and function aims*

- To give emerging GP consortia appropriate expert support during the transition period, not only to develop into future authorised and statutory organisations but also to deliver objectives agreed with PCTs
- To provide PCT employees with an opportunity to shape the emerging commissioning system by encouraging a robust consultation process, which allows employees to understand and influence the process
- To ensure that the necessary expertise appropriately supports the transition process, thereby maximising the money which can be spent on patient care – which is in line with the continued commitment to social partnership principles
- To encourage the development of new mindsets and approaches to commissioning for both emerging GP consortia and PCT employees, who will learn from each other during the transition
- To help to create the most cost-effective and efficient commissioning system possible, and ensure business continuity during the transition
- To promote a fair and transparent process for employees which has been agreed in advance with Trade Unions, so that employees are ‘engaged in the decisions that affect them’ (NHS Constitution, page 10)
- To build strong partnership arrangements between emerging GP consortia, PCTs (the responsible employer), Trade Unions and professional bodies during the transition.

Who will be affected? *e.g. staff, patients, service users etc*

Staff in PCTs and emerging GP Consortia.

The Framework sets guidance to support GP consortia and associated commissioning support functions that could also be applied in other transition contexts.

Evidence *The Government's commitment to transparency requires public bodies to be open about the information on which they base their decisions and the results. You must understand your responsibilities under the transparency agenda before completing this section of the assessment. For more information, see the current [DH Transparency Plan](#).*

What evidence have you considered? *List the main sources of data, research and other sources of evidence (including full references) reviewed to determine impact on each equality group (protected characteristic). This can include national research, surveys, reports, research interviews, focus groups, pilot activity evaluations etc. If there are gaps in evidence, state what you will do to close them in the Action Plan on the last page of this template.*

Equality Act 2010 (Section 149; Public Sector Equality Duty)

<http://www.legislation.gov.uk/ukpga/2010/15/section/149>

The NHS Constitution for England

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_113613

“The White Paper” – *Equity & Excellence: Liberating the NHS*

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_117353

Managing the Transition, Sir David Nicholson letter

<http://www.dh.gov.uk/en/Healthcare/LiberatingtheNHS/index.htm>

Retention and Exits Terms Scheme

http://www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/Dearcolleagueletters/DH_124440

Functions of GP Commissioning Consortia: A working document

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_124979

Minutes, Social Partnership Forum

<http://www.socialpartnershipforum.org/events-diary/Pages/Events-diary.aspx>

Disability Consider and detail (including the source of any evidence) on attitudinal, physical and social barriers.

Since the key activities will be undertaken at employer level (PCTs) evidence of the impact will be collated and assessed at that level. See 2.8 of the Transition Assignment Guidance.

The key issue for employers will be the need to undertake their own data collection and monitoring on the impact on the workforce (eg leavers, appointments and terminations, grievances and appeals) at all stages of these processes.

Composition of the workforce and the impact by protected Group is not held centrally. Hence it is not possible to complete sections below. As stated above, the guidance indicates the need for local organisations to conduct their own equality analysis before and after the processes covered. A review of staff impacted should be undertaken by those organisations to meet their own responsibilities under the Equality Act 2010. Also, would need to reinforce the need for the Equality Act 2010 positive action provisions to be considered by local organisations as part of their determinations.

Gender Consider and detail (including the source of any evidence) on men and women (potential to link to carers below).

Local data collection as detailed

Race Consider and detail (including the source of any evidence) on difference ethnic groups, nationalities, Roma gypsies, Irish travellers, language barriers.

Local data collection as detailed

Age Consider and detail (including the source of any evidence) across age ranges on old and younger people. This can include safeguarding, consent and child welfare.

Local data collection as detailed

Gender reassignment (including transgender) Consider and detail (including the source of any evidence) on transgender and transsexual people. This can include issues such as privacy of data and harassment.

Local data collection as detailed

Sexual orientation Consider and detail (including the source of any evidence) on heterosexual people as well as lesbian, gay and bi-sexual people.

Local data collection as detailed

Religion or belief Consider and detail (including the source of any evidence) on people with different religions, beliefs or no belief.

Local data collection as detailed

Pregnancy and maternity Consider and detail (including the source of any evidence) on working arrangements, part-time working, infant caring responsibilities.

Local data collection as detailed

Carers Consider and detail (including the source of any evidence) on part-time working, shift-patterns, general caring responsibilities.

As available and local data collection as detailed above

Other identified groups Consider and detail and include the source of any evidence on different socio-economic groups, area inequality, income, resident status (migrants) and other groups experiencing disadvantage and barriers to access.

As available and local data collection as detailed above

Engagement and involvement

Was this work subject to the requirements of the cross-government [Code of Practice on Consultation](#)?

How have you engaged stakeholders in gathering evidence or testing the evidence available?

This has been done under the aegis of the Social Partnership Forum SPF which brings together TUs, employers and DH in the HR framework sub-group - Task and Finish Group. All sides have discussed and contributed to the development of the guidance and brought their own information to the table to assist in its design.

(The SPF is the partnership arrangement which represents all TUs and staff groups - ranging from UNISON, UNITE, the BMA, RCN, RCM, GMB and CSP to much smaller groups representing podiatrists etc. All HR issues which are shared between TUs, Employers and DH use this forum for discussion and clearing jointly agreed HR policy).

The guidance also was developed out of a workshop on 3 March for the SPF, GP consortia, NHS leads and DH policy officials.

The guidance was also shared with primary care organisations and SHA HR leads.

How have you engaged stakeholders in testing the policy or programme proposals?

This is an ongoing process, detailed above

For each engagement activity, please state who was involved, how and when they were engaged, and the key outputs:

Minutes of the meetings are available.

<http://www.socialpartnershipforum.org/events-diary/Pages/Events-diary.aspx>

Summary of Analysis *Considering the evidence and engagement activity you listed above, please summarise the impact of your work. Consider whether the evidence shows potential for differential impact, if so state whether adverse or positive and for which groups. How you will mitigate any negative impacts. How you will include certain protected groups in services or expand their participation in public life.*

Any potential adverse impact of the changes is likely to be mitigated by the obligation that the guidance puts on the responsible organisations to a) carry out the processes in the fairest way possible and with attention to Equality Legislation and its obligations and b) the requirement for employers to undertake their own Equality Analysis.

Now consider and detail below how the proposals impact on elimination of discrimination, harassment and victimisation, advance the equality of opportunity and promote good relations between groups

Eliminate discrimination, harassment and victimisation *Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).*

There has been a conscious consideration of how best potential for discrimination, harassment or victimisation might be addressed in the guidance.

In the absence of robust data sets at this stage and in recognition of separate work underway under Transition, the guidance places a focus on involvement and engagement of staff and staff groups to both help their understanding of the process and to help identify potential for discrimination, harassment or victimisation.

Also see summary of analysis above

Advance equality of opportunity *Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).*

Focus on involvement and engagement of staff and staff groups to both help their understanding of the process and to help identify potential for discrimination, harassment or victimisation

Also see summary of analysis above

Promote good relations between groups *Where there is evidence, address each protected characteristic (age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief, sexual orientation).*

Also see summary of analysis above

What is the overall impact? *Consider whether there are different levels of access experienced, needs or experiences, whether there are barriers to engagement, are there regional variations and what is the combined impact?*

The overall, cumulative, impact will be determined as part of overall HR Transition

Addressing the impact on equalities *Please give an outline of what broad action you or any other bodies are taking to address any inequalities identified through the evidence.*

Employers will be required to undertake their own Equality Analysis and publish the results.

Individual organisations will be responsible for activity to underpin the fairness of the processes followed and for the adoption of any more detailed mitigating arrangements. Mitigation action can include, time limited, positive action.

Specific guidance to this effect is included in the guidance.

Action planning for improvement *Please give an outline of the key actions based on any gaps, challenges and opportunities you have identified. Actions to improve the policy/programmes need to be summarised (An action plan template is appended for specific action planning). Include here any general action to address specific equality issues and data gaps that need to be addressed through consultation or further research.*

Please give an outline of your **next steps** based on the challenges and opportunities you have identified.

- Following publication of the guidance, the DH, SHAs and PCTs will work with their HR specialists to ensure maximum compliance of local process with Equality Legislation.
- Through assignment process DH to ensure:
 - Local organisations required to conduct equality analysis before and after the processes covered.
 - Review of staff impacted should be undertaken by organisations to meet their own responsibilities under the Equality Act 2010.
 - Organisations to reinforce the need for Equality Act 2010 positive action provisions to be considered as part of their determinations..

Include here any or all of the following, based on your assessment

- *Plans already under way or in development to address the **challenges** and **priorities** identified.*
- *Arrangements for continued engagement of stakeholders.*
- *Arrangements for continued monitoring and evaluating the policy for its impact on different groups as the policy is implemented (or pilot activity progresses)*
- *Arrangements for embedding findings of the assessment within the wider system, OGDs, other agencies, local service providers and regulatory bodies*
- *Arrangements for publishing the assessment and ensuring relevant **colleagues** are informed of the results*
- *Arrangements for making information accessible to staff, patients, service users and the public*
- *Arrangements to make sure the assessment contributes to reviews of DH strategic equality objectives.*

For the record

Name of person who carried out this assessment:

Ed Garratt

Date assessment completed:

23 March 2011

Name of responsible Director/Director General:

Nic Greenfield

Date assessment was signed:

Action plan template

This template is to help you develop your action plan. You might want to change the categories in the first column to reflect the actions needed for each policy.

| Category | Actions | Target date | Person responsible and their Directorate |
|--------------------------------------|---------|-------------|--|
| Involvement and consultation | | | |
| Data collection and evidencing | | | |
| Analysis of evidence and assessment | | | |
| Monitoring, evaluating and reviewing | | | |
| Transparency (including publication) | | | |